

Volume I
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Exhibits 1 to 3

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO,
Plaintiff(s),

v.

Civil Action
No. 03-CV-12359 MLW

METSO PAPER INC. AND
VALMET CONVERTING, INC.,
Defendant(s).

DEPOSITION OF DAVID G. PEAHEY, a witness called
by counsel for the Plaintiff, taken pursuant to the
applicable rules, before Diane L. McElwee, Registered
Merit Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the Offices of
Vacumet, 24 Forge Park, Franklin, Massachusetts, on
Tuesday, April 26, 2005, commencing at 10:00 AM.

JAMES GIBBONS & ASSOCIATES
617-428-0402

1 regarding the removal of the drives?

2 A No.

3 Q Did you receive any training with respect to
4 the repair of the drives?

5 A No.

6 Q How do you know from an electrician's point
7 of view when a drive needs to be replaced?

8 A I would say in my experience, especially
9 early on, which is when I spent more time there than
10 I did after, say, 1996, during the very early years,
11 I don't believe we had any problems with the drives.
12 Now after that I would say, if you had a problem with
13 the arms, one of the things you might do is take a
14 board from an arm that you know is working and put it
15 in the slot for the arm that isn't working and see if
16 that makes a difference.

17 Q Can you just explain to me how it's
18 communicated to the electricians that there is a
19 problem with the arms?

20 A The operator would call an electrician.

21 Q And then the electrician would go in and see
22 if you or whatever electrician, whoever it might be,
23 could fix the problem?

24 A Yes.

1 A Unless Paul does that, I wouldn't know.

2 Q Have you ever seen a circumstance where the
3 drive board had to be taken out and replaced?

4 A I know it's been done. I can say that I
5 can't recall seeing it being done, but I know it's
6 been done.

7 Q How do you know it's been done?

8 A Again through the fact that, you know, we
9 always communicated in the shop about what was going
10 on.

11 Q Are you familiar with the procedure to
12 replace the drive?

13	A	Yes.
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14 Q Can you describe for me the procedure?

15 | A It would be --

16 MR. KELLEHER: Objection.

17 A It would just be a matter of pulling out the
18 drive and putting in the new drive that we had on the
19 shelf.

20 Q How long does that whole process take?

21 A The longest part of it is to go get the
22 drive out of the cabinet, so five minutes.

23 Q Did you receive any training -- strike that.

24 Where did you get this understanding of

1 the procedure to replace the drive?

2 A I think it's just years of experience,
3 having done this before.

4 Q Did you ever receive any training with
5 respect to the installation of the drives?

6 A No.

7 Q Did you ever receive any training with
8 respect to the switches on the daughter cards on the
9 drives?

10 A No.

11 Q Is there any procedure that you would follow
12 to compare a drive that you took out with the one you
13 are putting in?

14 A I would say that would be normal practice.

15 Q Is that simply to make sure you have the
16 right drive?

17 A Yes.

18 Q Did anyone from Atlas or Valmet ever tell
19 you that the switches should be checked when the
20 drives are installed?

21 A No.

22 Q Did you believe as of 2002 that the switches
23 were set -- strike that.

24 Did you believe in 2002 that the drive

1 going.

2 Q In the course of doing these types of
3 service calls, would you be present or in the general
4 area when he was doing the service call?

5 A It really depends. I would always go
6 wherever the biggest need was. So when someone is
7 here, I try to spend time with them, because I hope
8 to learn something from them, but it doesn't --
9 unfortunately it always doesn't work out that way.
10 Like I said, wherever the biggest need is is where I
11 would be.

12 Q In the course of doing a service call on,
13 say, the unwind arm, would the technicians also do a
14 general inspection of the rest of the machine?

15 MR. KELLEHER: Objection.

16 A I don't know if I can answer that. It would
17 depend on if they were making any progress with the
18 unwind arm.

19 I am just thinking in the past there
20 are times, especially if a problem is intermittent,
21 where they will try something, and they will be
22 watching it, and they will have to pay close
23 attention to it. There are times when a technician
24 might find a problem, think he solved it, and then

1 are there?

2 A Again we have the unwind drives; we have the
3 rewind drives; we have the Infranor drives.

4 Q Are those each considered separate drive
5 systems?

6 A It's all part of one package, you know. One
7 doesn't work without the other.

8 Let's say we were having intermittent
9 problems or problems with the rewinds. He may have
10 been called to look at the rewind, the Infranor
11 drives. If there was a problem between the rewind
12 Eurotherm drive and the unwind, some speed problems,
13 then it could be, you know, more related to that. I
14 just don't remember.

15 Like I said, I have a memory of John
16 coming up to look at the rewind arm problems, but I
17 really have a hard time putting a date on it. This
18 would seem to be in the right area, but I can't say
19 with certainty.

20 Q Do you recall having a problem with the
21 other drives that John Brooks came up for?

22 A Like I said, I do remember -- I distinctly
23 remember the unwind problems and all of that
24 information you saw and Harold's letter. I don't

1 remember other problems later on in the year.

2 Q With the unwind drives?

3 A Right.

4 Q Has there ever been a problem with the
5 unwind drives that Proma couldn't repair -- strike
6 that -- with the rewind drives that Proma couldn't
7 repair?

8 A Yes. This intermittent problem with the
9 rewind drives when the rewind drives took off.

10 Q Can you look at Howe No. 5, please. If you
11 could identify that document for the record.

12 A This is one of the drive boards with the
13 daughter card that was sent out together to be
14 repaired.

15 Q What is the date that that was done?

16 A 10/24 of 2000.

17 Q And given the proximity of that date to the
18 date that these service calls which are Purcell 4 and
19 5, being in September or October of 2000, given the
20 proximity of those two dates, does that refresh your
21 memory in any way as to whether or not there was a
22 problem with the Infranor drive boards at that time?

23 MR. KELLEHER: Objection.

24 A I can say I have a vague recollection of a

1 just taken off, and the core flew out. Gerry put his
2 hands out to protect his face, and the core hit him
3 of course.

4 That's basically what Bill had to say.

5 Q Did you interview any other witnesses?

6 A No, I don't believe so. I think Bill was
7 the person closest to it and the person who was
8 working with Gerry, so he was the only person that we
9 talked to.

10 Q Can you describe for me what you did in the
11 course of your investigation relative to the machine?

12 A Yes. Again we just, you know, tried to
13 recreate what Gerry was doing at the time.

14 Q Were you able to do that?

15 A To the best of our ability we were able to
16 do that. I think it's on these notes that I just
17 read here.

18 This is what we had done, which was to,
19 you know, first to check the electrical connections
20 and then to go on from there by testing a core out
21 and the arms.

22 Q Were you able to determine the cause of the
23 accident?

24 A I don't think we got down to completely

1 understanding what caused it. That's why we had
2 Atlas come in right away. We understood it. I think
3 we understood it better than we had before, but I
4 don't think we were confident that we were on the
5 right -- that we understood it well enough to be able
6 to solve the problem.

7 Q That's why you brought in Atlas/Valmet?

8 A Yes.

9 Q And as part of your investigation did you
10 remove any of the drive boards from the rewind arms?

11 A No.

12 Q At some point were the drive boards removed
13 from the rewind arms?

14 A When Ron Purcell came.

15 Q At any time did you take any photographs of
16 the machine?

17 A I didn't.

18 Q Do you know whether anyone did take
19 photographs?

20 A I believe someone was there. It may have
21 been Harold taking pictures or may have been -- I
22 don't know. I don't remember. I do remember
23 somebody taking pictures of the machine.

24 Q I am going to show you documents which have

1 been produced in this matter and ask you have you
2 ever seen those photographs?

3 A I believe I saw some photographs shortly --
4 well, I believe I saw some shortly after the
5 incident, but I don't know if I saw them all. I did
6 see some though.

7 Q Do you know whose handwriting is on those
8 photographs?

9 A If I look at this, I would say that looks
10 like Harold's writing to me, Harold Isherwood's
11 writing. I am not a hundred percent sure. I would
12 guess that's Harold's.

13 Q Were you present when Mr. Purcell removed
14 the drive board from the rewind arm?

15 A No.

16 Q Was anyone from Proma, to the best of your
17 knowledge, present when Mr. Purcell removed the drive
18 board from the rewind arm?

19 A I can't answer because I was out -- when Ron
20 came in, I worked with him for a little while and
21 then was out on other jobs. I would stop by and see
22 Ron and see what he was doing when I had some free
23 time and then go back to other things. That was the
24 only way I could keep up with what was going on.

1 Q When Ron Purcell arrived at Proma, who was
2 it that met with him to describe what had taken
3 place?

4 A I am pretty sure Greg Hagopian was there,
5 and then I think I met them out at the machine.

6 Q Did you give Mr. Purcell any information as
7 far as what you had already done on the machine?

8 A I think we did. I don't know if Greg had
9 given him a copy of what we had done. I think he did
10 have a copy of what we had done. I am not a hundred
11 percent sure.

12 Q Did you have any conversations with
13 Mr. Purcell as to where his investigation was
14 focused?

15 A He knew what had happened, and he knew he
16 had to focus on the rewind arms. Other than that I
17 can't say, you know, how Ron started out and, you
18 know, what brought him to the drive cards.

19 Q Did he give you any information that he had
20 seen that problem before?

21 A Not to me.

22 Q Are you familiar are the results of his
23 investigation?

24 A Yes.

1 Q And what is your understanding as to the
2 results of his investigation?

3 MR. KELLEHER: Objection.

4 A I know from the conversations I had that the
5 switches on this daughter card were either in the
6 wrong position -- either in the wrong switch position
7 or just not switched at all, not latched at all.
8 Some of them were in the right position and some were
9 not.

10 Q Do you know which ones were in the right
11 position and which ones were not?

12 A I do not.

13 Q You weren't present when that was done?

14 A No. I came by later.

15 Q Do you know whether any of the boards at the
16 inventory were checked?

17 A I think they all were at the time.

18 Q Do you know whether any of the boards in
19 inventory had the switches in the wrong setting?

20 A I believe some did.

21 Q Did you have any conversation with
22 Mr. Purcell as to the cause of the switch being in
23 the wrong position?

24 A No.

1 Q In March of 2002 did you have an
2 understanding as to the correct position of the
3 switch?

4 A No.

5 Q Did you participate in any investigation
6 beyond what is contained in your notes?

7 A No.

8 Q Were there any meetings held to discuss or
9 determine the cause of the accident?

10 A I believe we had a meeting after this was
11 put together. I can't remember if -- I am going to
12 say I am pretty sure we had a meeting with Ron
13 Purcell before he left.

14 Q Do you remember what was discussed at the
15 meeting with Ron Purcell?

16 A Specifics, no. I am sure we talked about
17 this card, but I can't remember anything specific.

18 Q Was any action taken while Mr. Purcell was
19 here to hook the switches on the rest of the drive
20 boards?

21 A Yes. They were all hooked in the right
22 position and soldered in place.

23 Q Who soldered them?

24 A I don't remember.

1 Q Was Mr. Purcell aware of the fact they were
2 soldered?

3 MR. KELLEHER: Objection.

4 A I believe so.

5 Q Can you tell me did you participate in the
6 soldering of the switches?

7 A I didn't solder them, no.

8 Q Did the soldering of the switches interfere
9 in any way with the functioning of the drive board?

10 A I am not a hundred percent sure what you
11 mean by that, but the soldering of the switches
12 ensured that they could never be in the wrong
13 position.

14 Q Are there any occasions that you would
15 switch the position on those switches?

16 A No.

17 Q Have you ever switched the positions on
18 those switches?

19 A No.

20 Q Did you have any discussions with Bob Lyons
21 about the cause of this accident?

22 A I didn't, no.

23 Q Did Mr. Lyons come up to investigate this
24 accident?

1 A Yes. It's not in complete detail, but it
2 gives you some of the details of that board.

3 Q If you look at page 158, can you tell me
4 what that is?

5 A This is --

6 Q It's entitled, Infranor Armature Feedback
7 Board OS13, correct?

8 A Yes.

9 Q Can you tell us what that is?

10 A This is the amplifier section of that board.

11 Q Earlier today when you talked to us about
12 tachometer feedback and armature feedback devices,
13 correct?

14 A Correct.

15 Q Is there a depiction of the armature
16 feedback?

17 A Yes.

18 Q That is associated with a current signal
19 systems?

20 A Yes.

21 Q And this is in essence a depiction of the
22 daughter board; is that right?

23 A I can't be a hundred percent sure. I would
24 have to look at the daughter board, and I might have

1 a better idea. It could be.

2 Q You don't know?

3 A I am not a hundred percent sure, no.

4 Q Let me show you on page 158 there is a
5 circle around the number 2, what appears to be pen
6 and a line to a note on the bottom left-hand corner
7 of the page.

8 A Yes.

9 Q Can you tell me what that note stands for on
10 the bottom left-hand corner of the page?

11 A It says, Set S-1 to Position 1 for M55.

12 Q Do you know what S-1 stands for?

13 A S-1 would be switch one on this board
14 (indicating).

15 Q It says, Set S-1 to Position 2, M59, right?

16 A Yes.

17 Q So this particular aspect of page 158 has
18 the note explaining which position the switch should
19 be in?

20 A Yes. For this application it says that,
21 yes.

22 Q Do you know who put the circle around the
23 number 2 and the line down to the note on the bottom
24 left-hand corner?

1 A I am not a hundred percent sure. When Ron
2 Purcell was here and we had found -- when he had
3 found the switch was off, I remember coming back to
4 the machine, and he showed me what he had found. We
5 talked about it, and the prints were out, and I
6 remember saying to him, We should mark that on a
7 print.

8 Whether this is the print, I am not a
9 hundred percent sure, but I asked him to -- I didn't
10 ask him to write it or mark it. I said, I think we
11 should mark it, and I believe I remember him marking
12 a print. Like I said, whether this is the print, I
13 am not a hundred percent sure.

14 MR. KELLEHER: Okay. Let me mark
15 these pages we have referred to as exhibits.

16 MS. COUNIHAN: Off the record.

17 (Discussion off the record)

18 MR. KELLEHER: We have some aspects
19 of this binder already marked as an exhibit in
20 Mr. Hagopian's deposition, so instead of marking the
21 cover again, we will just refer to it as Hagopian
22 Exhibit No. 1, correct?

23 MS. COUNIHAN: Correct.

24 MR. KELLEHER: And then we will mark